

Filed for intro on 02/22/95
Senate Bill _____
By _____

House No. HB1416
By Chumney

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6,
relative to child custody and visitation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-102, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, is amended by adding the following new section:

Section 36-6-105. Child Custody. In a suit for annulment, divorce, separate maintenance, or in any other proceeding requiring the court to make a custody determination regarding a minor child, such determination shall be made upon the basis of the best interest of the child. The court shall consider all relevant factors including the following where applicable:

(1) The love, affection and emotional ties existing between the parents and child;

(2) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care;

- (3) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;
- (4) The stability of the family unit of the parents;
- (5) The moral fitness of the parents;
- (6) The mental and physical health of the parents;
- (7) The home, school and community record of the child;
- (8) The reasonable preference of the child if ten (10) years of age or older unless the court specifically finds that the preference of a younger child should be heard. The preferences of older children should normally be given greater weight than those of younger children;
- (9) Evidence of physical or emotional abuse; and
- (10) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 6, is amended by renumbering the current Section 36-6-301 as Section 36-6-302 and adding the following new section:

Section 36-6-301. Visitation. After making an award of custody, the court shall, upon request of the non-custodial parent, grant such rights of visitation as will enable the child and the non-custodial parent to maintain a parent-child relationship that will be beneficial to the child. If the court finds that the non-custodial parent has physically or emotionally abused the child, the court may require that visitation be supervised or prohibited until such abuse has ceased or until there is no reasonable likelihood that such abuse will recur.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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